

Remarks

The Office Action mailed December 18, 2002 has been received and reviewed. The application is to be amended as otherwise set forth herein. Non-elected claims 1 through 17 are to be canceled as is claim 19. All amendments and claim cancellations are made without prejudice or disclaimer. All claims stand rejected. New claims 21 through 27 are to be added. Reconsideration is respectfully requested.

Specifically, claim 18 stands rejected under 35 USC § 102, as assertedly being anticipated by FR2706772. Applicants have amended claim 18 to include the feature of claim 19, which was not thus rejected, and, accordingly request withdrawal of the rejection.

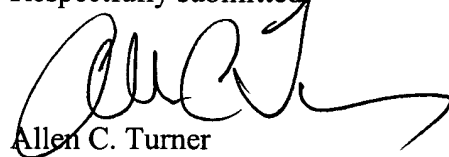
Claims 18 through 20 stand provisionally rejected under the judicially-created doctrine of obviousness-type double patenting over claims 17, 19, 31 and 33 of co-pending application 09/716,777. Although applicants do not agree with the rejection, for the sake of expedited prosecution (and upon the allowance of the referenced claims of USSN 09/716,777 since this provisional rejection is not yet ripe), applicants agree to submit a terminal disclaimer with respect to USSN 09/716,777 should the Examiner still believe it necessary.

New claims 21 through 27 are added herein. These claims claim the patentable subject matter of the elected invention in a different way. It is respectfully submitted that no new matter is added by these claims.

Conclusion

The response should address all outstanding issues. If questions remain after consideration of the foregoing, the Office is kindly requested to contact applicants' attorney at the address or telephone number given herein.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'A. C. Turner', with a long horizontal flourish extending to the right.

Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASKBRITT, P.C.
P.O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: 801-532-1922

Date: April 17, 2003

MARKED UP VERSION OF CLAIMS SHOWING CHANGES MADE

18. (Amended) A method of treating sepsis in a subject comprising:
administering, in a pharmaceutically acceptable manner, a pharmaceutically effective amount of two or more immunoregulators, immunoregulators peptides, functional fragments or functional analogues thereof to [said] the subject, wherein said immunoregulators comprise peptide and recombinant hCG.
20. (Amended) The method of claim 18 wherein the peptide is selected from the group consisting of SEQ ID NO: 1, SEQ ID NO: 2, SEQ ID NO: 3 and a functional fragment thereof.